The Maharashtra Public Libraries Act, 1967

Act 34 of 1967

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Book, Committee, Compensatory Allowance, Council, Director, District, Division, Municipal Corporation, Municipality, Public Library

THE MAHARASHTRA PUBLIC LIBRARIES ACT, 1967

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MAHARASHTRA ACT No. XXXIV OF 1967[1].

[THE MAHARASHTRA PUBLIC LIBRARIES ACT, 1967]

[*20th December 1967*]

An Act to provide for the establishment, maintenance, organisation and development of public libraries in the State of Maharashtra.

WHEREAS, it is expedient to provide for the establishment, maintenance, organisation and development of public libraries in the State of Maharashtra and for purposes connected with the matters aforesaid; It is hereby enacted in the Eighteenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Maharashtra Public Libraries Act, 1967.

(*2*) It extends to the whole of the State of Maharashtra.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in that behalf; and different dates may be appointed for bringing this Act into force in different areas of this State.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "book" includes every volume, part or division of a volume and pamphlet in any language, and every sheet of music, map, chart or plan separately printed or lithographed, newspapers, periodicals, paintings, films, slides, discs, or tapes used for audio-visual information and such other materials;

(*ii*) "Committee" means a Library Committee appointed under section 13;

(*iii*) "compensatory allowance" means the travelling allowance, the daily allowance or such other allowance which is paid to the members of the Council or Committee for the purpose of meeting the personal expenditure incurred by them in attending the meetings of such Council or Committee or in performing any other functions as such members for the purposes of this Act;

(*iv*) "Council" means the State Library Council constituted under section 3;

(*v*) "Director" means the Director of Libraries appointed under section 8;

(*vi*) "district" means a revenue district;

(*vii*) "Division" means a Division as set out in the Schedule to this Act;

Bom. III of 1888. Bom. LIX of 1949. C.P. and Berar II of 1950.

(*viii*) "municipal corporation" means a municipal corporation constituted under the Bombay Municipal Corporation Act, or the Bombay Provincial Municipal Corporations Act, 1949 or the City of Nagpur Corporation Act, 1948;

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[1] For Statement of Objects and Reasons, *see* *Maharashtra Government Gazette*, 1967, Part V, Extra, page 144.

(*ix*) "municipality" means a Municipal Council constituted or deemed to be constituted under the Maharashtra Municipalities Act, 1965 ; Mah. XL of 1965.

(*x*) "prescribed" means prescribed by rules made under this Act ;

(*xi*) "public library" means,—

(*a*) a library established and maintained by the State Government for the use of the public ;

(*b*) a library recognised by the Director for the purposes of grant-in-aid from the Library Fund ; and

(*c*) any other library which the State Government by notification in the *Official Gazette* declares to be a public library for the purposes of this Act ;

(*xii*) "year" means the financial year.

CHAPTER II.

State Library Council.

Constitution of State Library Council.

3. (*1*) As soon as may be, after the commencement of this Act, the State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act a Council to be called the State Library Council.

(*2*) The Council shall consist of the following members, that is to say,—

(*i*) the Minister for Education of the State, who shall be *ex-officio* President of the Council ;

(*ii*) the Deputy Minister for Education of the State, who shall be *ex-officio* Vice-President of the Council ;

(*iii*) the Secretary to the Government of Maharashtra, Education and Social Welfare Department for the time being in office ;

(*iv*) the Charity Commissioner or his nominee not below the rank of Assistant Charity Commissioner ;

(*v*) the Director of Education, Maharashtra State for the time being in office ;

(*vi*) two members elected by the Maharashtra Legislative Assembly, from amongst its members ;

(*vii*) one person elected by the Maharashtra Legislative Council, from amongst its members ;

(*viii*) one person nominated by the State Government to represent Municipal Corporations functioning in the State of Maharashtra ;

(*ix*) one person nominated by the State Government to represent Municipalities functioning in each of the Divisions ;

(*x*) one member from each Division nominated by the State Government to represent the *Zilla Parishads* functioning in that Division ;

(*xi*) the President of the body known as the *Maharashtra Rajya Granthalaya Sangha* ;

(*xii*) one member nominated by the said *Maharashtra Rajya Granthalaya Sangha* from each Division to represent that Division ;

(*xiii*) the Chairman of the body known as the *Sahitya Mahamandal*, a society registered under the Bombay Public Trusts Act, 1950 ; Bom. XXIX of 1950.

(*xiv*) four members nominated by the State Government from amongst persons who, in its opinion, have special knowledge or interest or practical experience in matters connected with library service ;

(*xv*) the Director of Libraries who shall also be the Secretary of the Council ;

(*3*) A person so elected under paragraphs (*vi*) and (*vii*) of sub-section (*2*) shall cease to be a member of the Council if he ceases to be a member of the Maharashtra Legislative Assembly or the Maharashtra Legislative Council.

Function of Council. 4. It shall be the function of the Council to advise the State Government on all matters connected with the administration of this Act.

Term of office of, and allowances to members of Council. 5. (*1*) Save as otherwise provided in this Act, the members of the Council, not being members *ex-officio*, shall hold office for a term of three years commencing on the date on which the first meeting of the Council is held after the nomination of the members under sub-section (*2*) of section 3.

(*2*) The members of the Council shall be entitled to such compensatory allowances and at such rates as may be prescribed.

Casual vacancies in Council. 6. A vacancy in the office of a nominated or elected member of the Council occurring otherwise than by efflux of time shall be filled by nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated or elected.

Meetings of Council. 7. (*1*) The Council shall meet not less than twice in every year, on such dates and at such hours as may be fixed by the President; and six months shall not intervene between two successive meetings.

(*2*) The President of the Council may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members of the Council, and on a date not later than thirty days after the receipt of such request, call a special meeting of the Council.

(*3*) One-third of the total number of members of the Council shall form the quorum.

(*4*) The Council shall transact business in such manner and in accordance with such procedure as may be prescribed.

CHAPTER III

Department of Libraries

Department of Libraries. 8. (*1*) For the purposes of this Act, a Department of Libraries shall be constituted by the State Government with a Director of Libraries as its head and with such other officers and servants as the State Government may think fit.

(*2*) The State Government shall appoint a whole-time officer having the prescribed qualifications to be the Director of Libraries.

Functions of Director. 9. (*1*) Subject to the superintendence, direction and control of the State Government, the Director shall be responsible for the administration of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, the Director shall—

(a) be responsible for the planning, maintenance, organisation and development of public libraries and public library system ;

(b) superintend and direct all matters relating to public libraries ;

(c) promote the establishment of public libraries to achieve the purposes of this Act ;

(d) recognise, in accordance with the rules made under this Act, public libraries and State, Divisional and other public library associations for the purposes of grant-in-aid from the Library Fund and sanction and disburse grants to them ;

(e) maintain accounts of the Library Fund and ensure its proper utilisation ;

(f) publish annually a bibliography of all the books published in the State ;

(g) submit to the State Government every year, a report on the working of public libraries under this Act ;

(h) collect and preserve old and rare books, periodicals, manuscripts and other documents of educative value in public libraries ;

(i) organise programme for training candidates in library science and conduct examinations for the candidates of recognised library training courses ; and

(j) exercise such other powers and perform such other duties as may be conferred or imposed on him by rules made under this Act.

State Library Service.

10. (1) The State Government shall establish a Maharashtra State Library Service, and appoint persons thereto.

(2) The Maharashtra State Library Service shall consist of such classes and categories of posts as the State Government may from time to time determine. All members of the said service shall be Government servants and their recruitment and conditions of service shall be regulated by such rules as may be made by the State Government from time to time.

(3) The salaries, allowances, gratuity, pension and other emoluments of the members of the Maharashtra State Library Service, shall be paid from the Consolidated Fund of the State.

CHAPTER IV

PUBLIC LIBRARIES

Establishment and maintenance of public libraries.

11. (1) The State Government may establish a State Central Library for the whole of the State, and a Divisional Library for every Division.

(2) Where in any local area, provision for library service to the public is not made to the satisfaction of the Director by any local authority, or any society registered under the Societies Registration Act, 1860 or any trust registered under the Bombay Public Trusts Act, 1950 or where the State Government is of the opinion that any such local authority, society or trust is not willing or is incompetent to provide library service to the public to the satisfaction of the Director in any local area, the State Government may establish a library for the use of the public in that area : XXI of 1860. Bom. XXIX of 1950.

Provided that, no such library shall be established without giving an opportunity to the local authority, society or, as the case may be, the trust to show cause why the State Government should not establish a library in the said local area.

(3) All libraries established under this section shall be maintained, organised and developed by the State Government through the Department of Libraries.

12. The functions of the public libraries shall be such as may, on the advice of the Council, be prescribed. Functions of public libraries.

CHAPTER V

LIBRARY COMMITTEES

13. (1) For every district, the State Government shall appoint a District Library Committee. Constitution of Library Committees.

(2) The Committee shall consist of the following members, that is to say,—

(i) the Chairman for the time being of the Education Committee of a *Zilla Parishad* functioning in the district, who shall be *ex-officio* President of the Committee ;

(ii) the President of the District Library Association of the district (if any);

(iii) one of the Chairmen of the Managing Committees of recognised public libraries functioning in each taluka of the district nominated by the State Government ;

(iv) five persons nominated by the State Government, one of whom shall be a librarian possessing the prescribed qualifications and two shall be persons representing libraries in the areas within the limits of a municipality or municipal corporation in the district ;

(v) one of the Presidents of the municipalities in the district nominated by the State Government ;

(vi) the Education Officer for the time being of the *Zilla Parishad* functioning in the district, who shall also be *ex-officio* Secretary of the Committee.

(3) The State Government shall also appoint a Library Committee for Greater Bombay consisting of—

(i) the Chairman for the time being of the Education Committee of the municipal corporation of Greater Bombay who shall be the *ex-officio* President of the Committee ;

(ii) five persons nominated by the State Government one of whom shall be a librarian possessing the prescribed qualifications and two shall be persons representing libraries in Greater Bombay ;

(iii) Education Officer for the time being of the municipal corporation of Greater Bombay ;

(iv) Educational Inspector, Greater Bombay, who shall also be the *ex-officio* Secretary of the Committee.

14. (1) Save as otherwise provided in this Act, the nominated members of the Committee shall hold office for a term of three years commencing on the date on which the first meeting of the Committee is held after their nomination. Term of office of, and allowances to, members Committee

(2) The members of the Committee shall be entitled to such compensatory allowances and at such rates as may be prescribed.

Casual vacancies in Committee.

15. A vacancy in the office of a nominated member of the Committee occurring otherwise than by efflux of time shall be filled by nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated.

Functions of Committee.

16. It shall be the function of a Committee,—

(*i*) to advise the State Government on all matters relating to development of library service in the district or, as the case may be, Greater Bombay on proper lines ;

(*ii*) to ensure that the prescribed functions of the public libraries are performed by them satisfactorily ; and

(*iii*) to perform such other duties as may be prescribed.

Manner of transaction of business by Committee.

17. The Committee shall transact business in such manner, and in accordance with such procedure, as may be prescribed.

CHAPTER VI

Finance and Accounts

Library Fund.

18. (*1*) The State Government shall constitute a fund called the Library Fund

(*2*) The Library Fund shall consist of—

(*a*) contribution made by the State Government under section 20 ;

(*b*) any special grants given by the State Government under section 21 ;

(*c*) any grants given by the Government of India to the State Government for development of public libraries ; and

(*d*) any contributions or gifts made by the public for development of public libraries.

Application of Library Fund.

19. (*1*) The moneys in the Library Fund shall be utilized by the State Government for carrying out the purposes of this Act.

(*2*) Without prejudice to the generality of sub-section (*1*), the moneys in the Library Fund may be utilized by the State Government to defray expenditure on the following :—

(*a*) establishment, maintenance and development of public libraries ;

(*b*) compensatory allowances payable to members of the Council and of the Committee ;

(*c*) grants-in-aid to public libraries and library associations recognised for the purpose by the Director of Libraries.

Contribution by State Government.

20. The State Government shall, after due appropriation made by law in this behalf, contribute to the Library Fund every year, a sum not less than twenty-five lakhs of rupees.

Special grants by State Government.

21. The State Government may make special grants to the Library Fund.

22. All property, movable and immovable, acquired or held for the purpose of any public library maintained by the State Government shall vest in the State Government. Vesting of properties held for purpose of Government public libraries.

CHAPTER VII.

REPORTS AND INSPECTION.

23. Every person who is in charge of the management of a public library shall submit such reports and returns and furnish such information as the Director may from time to time require, to the Director or any person authorised by him in this behalf. Reports and returns.

24. The Director or any person authorised by him in this behalf shall have power to inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules made thereunder are carried out. Inspection of public libraries.

25. Within six months from the end of every year, the Director shall prepare an annual report on the progress made by public libraries in that year and submit it to the State Government together with such information and particulars as may be prescribed : Submission of annual report by Director.

Provided that, no such report shall be submitted to the State Government unless it is approved by the Council.

CHAPTER VIII.

MISCELLANEOUS.

26. (*1*) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules to carry out the purposes of this Act. Rules.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*i*) under sub-section (*2*) of section 5 and sub-section (*2*) of section 14, the compensatory allowances payable to members of the Council and of the Committee and the rates at which such allowances shall be payable ;

(*ii*) under sub-section (*4*) of section 7 and section 17, the manner in which and the procedure in accordance with which the Council and a Committee shall transact their business ;

(*iii*) under sub-section (*2*) of section 8, the qualifications required for being appointed as the Director;

(*iv*) under clause (*d*) of sub-section (*2*) of section 9, rules in accordance with which the Director shall recognize public libraries and State, Divisional and other public library associations for the purposes of grant-in-aid from the Library Fund ;

(*v*) under clause (*j*) of sub-section (*2*) of section 9, the other powers and duties which the Director may exercise or perform ;

(*vi*) under sub-section (*2*) of section 10, the recruitment and conditions of service of members of the Maharashtra State Library Service ;

(*vii*) under section 12, the functions of public libraries ;

(*viii*) under section 13, the qualifications of a librarian to be nominated on a Committee ;

(*ix*) under section 25, the information and particulars to be submitted to the State Government.

(*3*) Every rule made under this section ball be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

SCHEDULE.

[*See* clause (*vii*) of section 2]

I. *Bombay Division*.

(1) Greater Bombay.

(2) Dhulia District.

(3) Jalgaon District.

(4) Kolaba District.

(5) Nasik District.

(6) Ratnagiri District.

(7) Thana District.

II. *Poona Division*.

(1) Ahmednagar District.

(2) Kolhapur District.

(3) Poona District.

(4) Sangli District.

(5) Satara District.

(6) Sholapur District.

III. *Nagpur Division*

(1) Akola District.
(2) Amravati District.
(3) Bhandara District.
(4) Buldhana District.
(5) Chanda District.
(6) Rajura District.
(7) Nagpur District.
(8) Yeotmal District.
(9) Wardha District.

IV. *Aurangabad Division.*

(1) Aurangabad District.
(2) Bhir District.
(3) Nanded District.
(4) Osmanabad District.
(5) Parbhani District.